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Attorneys for Plaintiff Beazer Homes Holdings Corp.

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

BEAZER HOMES HOLDINGS CORP.

vs.

CW CAPTIAL FUND ONE, LLC;
 CORONADO WEST, INC.; the FEDERAL
 DEPOSIT INSURANCE CORPORATION, as
 Receiver for NEW SOUTH FEDERAL
 SAVINGS BANK and CRAIG ASSET
 HOLDINGS, LLC,

Defendants.

CASE NO. 2:09-cv-02089-GMN-LRL

**JOINT MOTION FOR VOLUNTARY
 DISMISSAL WITHOUT PREJUDICE**

AND ORDER

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Beazer Homes Holdings Corp. (“Beazer”) and Defendants Craig Asset Holdings, LLC (“Craig”) and the Federal Deposit Insurance Corporation, as Receiver for New South Federal Savings Bank, (“NSFSB”) hereby jointly move the Court for an order dismissing, without prejudice, Beazer’s claims against

1 Craig and NSFSB, Craig's defenses to the same, and Craig's claims against CW Capital Fund
2 One, LLC and John Cork.

3 Beazer, Craig and NSFSB stipulate that Beazer's claims against Craig and NSFSB and
4 Craig's claims against CW Capital Fund One, LLC and John Cork should be dismissed, without
5 prejudice, each party to pay its own costs and attorney fees.

6 Beazer's claims against defendants, CW Capital Fund One, LLC and Coronado West, Inc.,
7 for which Beazer has been granted a default judgment will remain.

8 WHEREFORE, Beazer Homes Holdings Corp., Craig Asset Holdings, LLC and the
9 Federal Deposit Insurance Corporation, as Receiver for New South Federal Savings Bank,
10 respectfully request that the Court enter an order dismissing Beazer's claims, without prejudice,
11 against Craig and NSFSB, dismissing Craig's defenses thereto without prejudice, and dismissing
12 Craig's claims, without prejudice, against CW Capital Fund One, LLC and John Cork.

13
14 RESPECTFULLY SUBMITTED this 11th day of January, 2011.

15
16 /s/ Andrew J. Detherage

17 ANDREW J. DETHERAGE (*pro hac vice*)

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17 *Attorneys for the Federal Deposit Insurance Corporation
18 as Receiver for New South Federal Savings Bank*

19
20 **ORDER**

21 Having read the foregoing Joint Motion for Voluntary Dismissal Without Prejudice, and
22 good cause appearing therefore,

23 **IT IS HEREBY ORDERED** that Defendant BEAZER HOMES HOLDINGS CORP's
24 claims against CRAIG ASSET HOLDINGS, LLC and the FEDERAL DEPOSIT INSURANCE
25 CORPORATION, as Received for NEW SOUTH FEDERAL SAVINGS BANK, and CRAIG
26 ASSET HOLDINGS, LLC's defenses to the same, are hereby **DISMISSED, WITHOUT
27 PREJUDICE.**

28 **IT IS FURTHER ORDERED** that CRAIG ASSET HOLDINGS, LLC's claims against
CW CAPITAL FUND ONE, LLC and JOHN CORK, are hereby **DISMISSED, WITHOUT
PREJUDICE.**

DATED this 12th day of January, 2011.



Gloria M. Navarro
United States District Judge